

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON
LIABILITY**

Alek Schott v. Bexar County, Texas

Case No. 5:23-cv-00706-OLG-RBF

EXHIBIT 47

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALEK SCHOTT

Plaintiff,

v.

BEXAR COUNTY, TEXAS,

Defendant.

Civil Action No. 5:23-cv-00706-OLG-RBF

DECLARATION OF CHRISTEN MASON HEBERT
IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

I, Christen Mason Hebert, declare the following:

1. I am a United States citizen, a Texas resident, over 18 years old, and competent to make this declaration, which I make voluntarily based on my personal knowledge.
2. I am an attorney at the Institute for Justice, which represents Plaintiff Alek Schott in this case.
3. Exhibit 1 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the deposition of Sheriff Javier Salazar.
4. Exhibit 2 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the first volume of the deposition of Pedro Gamboa.
5. Exhibit 3 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the deposition of Joel Babb.
6. Exhibit 4 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the first volume of the deposition of Joe Gereb.
7. Exhibit 5 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the second volume of the deposition of Pedro Gamboa.

8. Exhibit 6 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the deposition of Aaron Von Muldau on behalf of Bexar County under Federal Rule of Civil Procedure 30(b)(6).

9. Exhibit 7 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the Internal Affairs report from the investigation of Joel Babb, which was produced by Defendant Bexar County in discovery. Exhibit 7 is the report from the second internal affairs investigation affiliated with the events of this case.

10. Exhibit 8 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the second volume of the deposition of Joe Gereb.

11. Exhibit 11 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the first portion of the video footage from Deputy Babb's body-worn camera of the traffic stop of Alek Schott. This exhibit is referred to as Babb BWC A and was produced by Defendant Bexar County in discovery. Alek's personal information and other confidential information has been redacted from this video.

12. Exhibit 12 to Plaintiff's Motion for Summary Judgment is a true and correct copy of two versions of the Bexar County Sheriff's Office Incident Detail Report for the traffic stop of Alek Schott on March 16, 2022. The first version, produced by Defendant Bexar County in discovery, is unredacted and includes no activity log for the traffic stop. The second version, produced by Defendant Bexar County in response to open-records requests made by Alek and his counsel before the start of this lawsuit, is redacted and includes an activity log for the traffic stop.

13. Exhibit 13 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the computer-aided dispatch (CAD) event logs from March 16, 2022 that Defendant Bexar County produced in discovery.

14. Exhibit 14 to Plaintiff's Motion for Summary Judgment is a true and correct copy of vehicle location and speed records for certain Bexar County Sheriff's Office patrol cars on March 16, 2022 that Defendant Bexar County produced in discovery.

15. Exhibit 15 to Plaintiff's Motion for Summary Judgment is a true and correct copy of video footage from Deputy Molina's body-worn camera of the traffic stop of Alek Schott. This exhibit is referred to as Molina BWC and was produced by Defendant Bexar County in discovery.

16. Exhibit 16 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the first volume of the deposition of Martin A. Molina III.

17. Exhibit 17 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the first portion of video footage from Deputy Gereb's body-worn camera of the traffic stop of Alek Schott. This exhibit is referred to as Gereb BWC A and was produced by Defendant Bexar County in discovery.

18. Exhibit 18 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the second portion of the video footage from Deputy Babb's body-worn camera of the traffic stop of Alek Schott. This exhibit is referred to as Babb BWC B and was produced by Defendant Bexar County in discovery.

19. Exhibit 19 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the second portion of video footage from Deputy Gereb's body-worn camera of the traffic stop of Alek Schott. This exhibit is referred to as Gereb BWC B and was produced by Defendant Bexar County in discovery.

20. Exhibit 20 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the K9 Deployment Report written by Deputy Molina concerning the deployment of Max on Alek Schott's truck on March 16, 2022 that Defendant Bexar County produced in discovery.

21. Exhibit 21 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the SPEARS Summary Report from the traffic stop of Alek Schott on March 16, 2022 that Defendant Bexar County produced in discovery.

22. Exhibit 23 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the Internal Affairs report concerning Alek Schott's complaints that he was stopped and search without a legitimate reason that was produced by Defendant Bexar County in discovery. Exhibit 23 is the report from the first internal affairs investigation affiliated with the events of this case.

23. Exhibit 24 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the deposition of Marta Ortega, formerly Marta Rodriguez.

24. Exhibit 25 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a clip of dashcam footage from Deputy Babb's patrol car that Defendant Bexar County produced in discovery. The clip captures a conversation between Sergeant Gamboa and Deputy Babb. Subtitles were added to the clip, and Sergeant Gamboa and Deputy Babb testified that the subtitles accurately reflected the conversation in the clip. Ex. 2 (Gamboa Vol 1. Dep) 225:12–229:14; Ex. 3 (Babb Dep.) 296:20–299:12.

25. Exhibit 26 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a text message pulled from the Bexar County Sheriff's Office cell phone issued to Deputy Gereb that Defendant Bexar County produced in discovery. Deputy Gereb marked the text message as from Lieutenant Freveletti, a BCSO officer, during deposition. Ex. 8 (Gereb Vol. 2 Dep.) 103:3–25.

26. Exhibit 27 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a WhatsApp group chat pulled from Deputy Babb's personal cell phone that Defendant Bexar County and Defendant Babb produced in discovery. Ex. 3 (Babb Dep.) 292:13–293:15.

27. Exhibit 28 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a drawing made by Deputy Babb during his deposition and introduced as exhibit 43 during that deposition.

28. Exhibit 29 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a drawing made by Deputy Gereb during his deposition and introduced as exhibit 90 during Deputy Gereb's deposition.

29. Exhibit 30 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a text message pulled from Deputy Gereb's personal cell phone that Defendant Bexar County produced in discovery. Deputy Gereb marked the text message as from Sergeant Sanchez, a BCSO officer, during deposition. Ex. 8 (Gereb Vol. 2 Dep.) at 77:10–12.

30. Exhibit 31 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a text message thread from a group chat pulled from Deputy Gereb's personal cell phone that Defendant Bexar County produced in discovery. Deputy Gereb marked the names of the text message conversation participants, all of whom were BCSO officers, during deposition. Ex. 8 (Gereb Vol. 2 Dep.) at 75:11–77:9.

31. Exhibit 32 to Plaintiff's Motion for Summary Judgment is a collection of true and correct copies of dashcam and bodycam videos of traffic stops made by Deputies Babb and Gereb that were produced by Defendant Bexar County in discovery.

32. Exhibit 33 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the deposition of Raymond Rene Ochoa.

33. Exhibit 34 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the first volume of the deposition of George Herrera.

34. Exhibit 35 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the second volume of the deposition of George Herrera.

35. Exhibit 36 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a subset of K9 Deployment Reports and the matching traffic stop records for those reports that Defendant Bexar County produced in discovery. The K9 Deployment Reports included in Exhibit 36 were selected by filtering all K9 Deployment Reports produced in this case for those that met the following criteria: (1) concerned a deployment that occurred during the one-year period before the March 16, 2022 traffic stop of Alek Schott; (2) were written by Molina; (3) listed "K9 Max 2" as the K9; and (4) identified the deployment as a "K9 Free Air Sniff" (rather than one involving "probable cause" or "consent"). The SPEARS Summary Reports and Incident Detail Reports corresponding with the filtered K9 Deployment Records that were produced in discovery were identified by matching: (1) the date; (2) the involvement of Deputy Molina; (3) the time; and (4) the location. Once matching sets were identified, reports that did not involve traffic stops were removed. Exhibit 36 contains the 15 total K9 Deployment Reports, and the corresponding traffic stop records, that meet the criteria listed above.

36. Exhibit 37 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the second volume of the deposition of Martin A. Molina III.

37. Exhibit 38 to Plaintiff's Motion for Summary Judgment is a true and correct copy of the citations and warnings issued by Deputy Babb from January 10, 2022, to March 30, 2022, and produced by Defendant Bexar County labeled as "CiteQ1CY2022."

38. Exhibit 43 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a Bexar County Sheriff's Office's record of the warning that Deputy Babb issued to Alek Schott that Defendant Bexar County produced in discovery.

39. Exhibit 44 to Plaintiff's Motion for Summary Judgment is a true and correct copy of a text message thread pulled from the Bexar County Sheriff's Office cell phone issued to Deputy Molina that Defendant Bexar County produced in discovery.

40. Exhibit 45 to Plaintiff's Motion for Summary Judgment is a true and correct copy of records associated with the Bexar County Sheriff's Office's decision to dismiss Deputy Babb from the position of law enforcement deputy that Defendant Bexar County produced in discovery.

41. Exhibit 46 to Plaintiff's Motion for Summary Judgment is a true and correct copy of SPEARS Summary Reports from traffic stops associated with Bexar County Sheriff Office's criminal interdiction deputies that Defendant Bexar County produced in discovery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of June, 2025

/s/ 

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